

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INTERNATIONAL BROTHERHOOD) OF ELECTRICAL WORKERS LOCAL) UNION 29, AFL-CIO,)) Plaintiff,)) Civil Action No. 2:23-761) v.))) Judge Cathy Bissoon ENERGY HARBOR NUCLEAR) CORPORATION,) Magistrate Judge Maureen P. Kelly) Defendant.)

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On November 13, 2024, the Magistrate Judge issued a Report (Doc. 45) recommending that International Brotherhood of Electrical Workers Local Union 29, AFL-CIO's ("Plaintiff's") Motion for Summary Judgment (Doc. 36) be granted and that Energy Harbor Nuclear Corporation's ("Defendant's") Cross Motion for Summary Judgment (Doc. 40) be denied. Service of the Report and Recommendation was made, and Defendant filed Objections on November 27, 2024. (Doc. 46). Plaintiff filed a Response to Defendant's Objections on December 11, 2024. (Doc. 47).

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, it hereby is **ORDERED** that Plaintiff's Motion for Summary Judgment (Doc. 36) is **GRANTED** and that Defendant's Cross Motion for

Summary Judgment (Doc. 40) is **DENIED**. Defendant's Objections (Doc. 46) are **OVERRULED**, and the Report and Recommendation (Doc. 45) is **ADOPTED** as the Opinion of the District Court.

Defendant is **FURTHER ORDERED** to submit the subject grievance to arbitration pursuant to the provisions of the parties' labor agreement without further delay.

IT IS SO ORDERED.

December 13, 2024

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via Electronic Filing):

Counsel of Record